

Applicants: Ron S. Israeli, et al.  
Serial No.: 08/466,381  
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#### **Remarks**

The October 22, 2002 Communication has attached thereto, a Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (the "Notice to Comply"). The Notice stated that the copy of the "Sequence Listing" in computer readable form previously submitted on July 22, 2002 did not comply with the requirements of 37 C.F.R. §1.822 and 1.823 for the reasons indicated on a marked -up copy of the "Raw Sequence Listing" attached to the Notice. The Notice to Comply additionally stated that a substitute computer readable form (CRF) copy of the "Sequence Listing" and a substitute paper copy of the "Sequence Listing" must be provided. The Notice to Comply also stated the applicants must provide a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. §1.825(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

In accordance with a handwritten note on the marked-up copy of the Raw Sequence Listing attached to the Notice to Comply, Applicants' representative telephoned Mr. Robert Waxman of the United States Patent and Trademark Office ("USPTO") on December 4, 2002 to discuss the source of the error which resulted in the above mentioned non-compliance. During this telephone discussion Mr. Waxman stated the USPTO is having an intermittent problem reading disks with sequences that are generated directly from PatentIn 3.1, leading to an inability on the part of the Office to process responses, such as applicants' response filed July 22, 2002 in which this problem occurs. Mr. Waxman therefore recommended transferring the file containing the sequence listing from the computer to the disk using Windows Explorer.

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Therefore, applicants now submit a substitute paper copy of the Sequence Listing attached hereto as **Exhibit B**. In addition, applicants submit herewith a substitute computer readable form (CRF) copy of the "Sequence Listing" transferred per Mr. Waxman's instruction as **Exhibit C**. Applicants submitted the previous sequence with an Amendment on July 22, 2002. The paper copy and the computer readable form (CRF) copy of the sequence listing submitted today are identical to those previously submitted with the Amendment on July 22, 2002. Further, applicants submit herewith as **Exhibit D** a statement in accordance with 37 C.F.R. §1.821(f), certifying that the substitute computer readable form containing the nucleic acid and/or amino acid sequences as required by 37 C.F.R. §1.821(e) contains the same information which was submitted as the "Sequence Listing" and contains no new matter.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invites the Examiner to telephone either of them at the number provided below.

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No fee, other than the enclosed \$55.00 fee for a one month extension of time, is deemed necessary in connection with the filing of this response. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark A. Farley 12-19-02  
John P. White Date  
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